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BNA DAILY ENVIRONMENT REPORT ARTICLES

Trump Successes May Limit Environmental Riders in Funding Bill

Snapshot

• Deregulatory efforts at the EPA and other factors may mean few environmental riders in the upcoming funding bill

• The federal government is currently funding through April 28

By Rachel Leven

A Trump administration rolling back environmental actions and Congress quashing Obama-era regulations, combined with a packed legislative calendar, may mean few environmental riders in the upcoming government funding bill.

"Riders seem like small potatoes compared to what's coming down the pike," William Yeatman, a senior fellow at the free-market Competitive Enterprise Institute, told Bloomberg BNA. His group isn't lobbying for any environmental riders, he said.

Another factor that may limit environmental riders is the need to garner Democratic votes to pass the measure to keep the government funded beyond April 28. Despite that, environmental groups are still preparing to battle any riders that would target environmental protections, doing so this year without a friendly White House ready to veto any poison pills.

"Our playbook, our strategy doesn't change because we're still fighting the same fight," Kirin Kennedy, the Sierra Club's associate legislative director for lands and wildlife, told Bloomberg BNA. "It just intensifies."

The Sierra Club has received funding from Bloomberg Philanthropies, the charitable organization founded by Michael Bloomberg, founder of Bloomberg L.P. Bloomberg BNA is an affiliate of Bloomberg L.P.

Details on riders will be available soon because government funding runs out after April 28. House and Senate appropriations staff told Bloomberg BNA that even though no funding legislation has been introduced yet, their goal is still to get a bill out of Congress by that deadline, potentially with money for the rest of the fiscal year.

Political observers are also watching for details central to the upcoming funding bill. They want to know how the White House's request for an $18 billion reduction in non-defense discretionary funding will affect funding levels and if Congress will fund the government for the rest of the fiscal year.

What's In a Rider?

Riders, which are attached to appropriations bills, allow Congress to an extent to direct the administration's priorities. But with Republicans in control of the entire government, that's not needed, Jim Dyer, a 13-year veteran of the House Appropriations Committee and former senior legislative aide to two Republican presidents, told Bloomberg BNA.

"A Republican Congress doesn't need to send a message to a Republican president," Dyer, now a principal at the Podesta Group, said. "They just pick up the phone and call."

They can be also used to temporarily block an agency from taking an action by barring it from using the funding for that purpose or, alternatively, can direct the administration to use funding for a specific purpose.

For example, a rider in December 2015 lifted a decades-long ban prohibiting U.S. companies from exporting crude oil. Generally, several environmental policy riders are introduced early in the process and only a few make it into legislation. Riders are generally seen as a last resort, Kevin Fay, vice chairman of lobbying firm Alcalde & Fay, told Bloomberg BNA.

Defenders of Wildlife found more than 150 "anti-environmental" policy riders were floated for fiscal year 2017 appropriations bills and other major bills last year. The riders ranged from endangered species to clean water regulation.

Fewer Environmental Riders Expected

However, a number of changed dynamics make those riders less likely to appear in the upcoming funding bill, in part because some have already been addressed, lobbyists said.

Congress's actions through the Congressional Review Act eliminated some of the most contentious rules. Also, President Donald Trump's executive orders have already targeted other environmental regulations. Regulatory reform reviews underway at federal agencies, including at the Environmental Protection Agency, are also on tap to address other problems that still exist.

The packed legislative agenda, in which Congress will address the debt ceiling and major projects such as tax reform, and the fact that certain key Republicans say a government shutdown would likely be blamed on their party are additional incentives to limit riders on the funding bill, lobbyists said. Keeping these out, also would leave the upcoming bill in a better place to gather the necessary Democratic support.

"It seems likely that Democratic votes will be needed for an omnibus to pass both chambers, and

we have been clear that we will not help pass a bill that contains poison pill riders, including those that would have a negative effect on public health by undermining critical environmental protections," Matt Dennis, a spokesman for the Democrats on the House Appropriations Committee, said in an email.

Riders Still Send Signal

This doesn't necessarily mean environmental policy riders won't be useful during the era of the Republican-controlled Washington, and there are even some uses in this specific rider fight, lobbyists said.

Generally, the dynamics between Congress and the White House and within Congress itself are still being determined, which could ultimately affect how useful or needed a rider is as a vehicle to get something done, Fay said.

In the FY 2017 funding battle, Dyer said opportunities are available for potential environmental riders on the bill to still be used as a message from Congress to the president. For example, the president has indicated he wants to cut funding for programs such as Chesapeake Bay restoration that have broad bipartisan support, so riders could be used to protect programs like that, he said.

Kennedy of the Sierra Club said riders could still serve a unique purpose by allowing Congress to circumvent the courts or executive branch to achieve a faster solution over that appropriations timeframe, she said.

Environmentalists Remain Concerned

It shouldn't be surprising, then, that environmentalists are still concerned about the prospect of riders in this specific funding fight. Kennedy said she's heard more than 100 riders are still a part of the FY 2017 negotiations, though it isn't clear whether any of those would target environmental programs.

Issues environmentalists and others said they have heard are potentially on the table range from exempting the president's hoped for U.S.-Mexico border wall from National Environmental Policy Act requirements to authorizing a road through a national wildlife refuge in Alaska to altering endangered species protections.

These riders are "much more of a threat now" than they were in the past because the president won't veto bills with those policy attachments, Alex Taurel, deputy legislative director of the League of Conservation Voters, told Bloomberg BNA.

That is why the Sierra Club and the League of Conservation will continue to lobby alongside other progressive groups within the Clean Budget Coalition to block any harmful riders from the ultimate bill. And, Taurel said, if Republicans are worried about getting this off of their to-do list, keeping these riders out would help them get this and future appropriations bills done instead of relying on additional continuing resolutions.

Dyer said finishing up with this bill itself is likely a high priority. "You need to get '17 off your plate," Dyer said referring to the FY 2017 funding bill. "There's a lot to do, but you can't do it while you're sitting around haggling over this sort of stuff."

The National Mining Association declined to comment for this article. The American Petroleum Institute didn't respond to Bloomberg BNA's message requesting comment.

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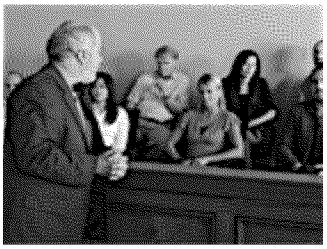
$7.5M Asbestos Award Tossed for Lawyer's Improper Remarks



Snapshot

• Boilermaker Weil-McLain wins new trial in asbestos exposure suit by worker's widow

• Award tossed after attorney repeatedly mentioned cost of defending the suit

By Peter Hayes

Boilermaker Weil-McLain will have another chance to defend asbestos claims brought by the wife of a worker who died of mesothelioma because her attorney made improper statements to the jury, an Iowa appeals court ruled (*Kinseth v. Weil-McLain Co.*, 2017 BL 127656, Iowa Ct. App., 15-0943, 4/19/17).

The decision upends a $7.5 million award against multiple parties, $3.6 million of which fell on the shoulders of Weil-McLain.

A new trial is warranted because the attorney for Shari Kinseth repeatedly violated a pretrial order barring the mention of how much Weil-McLain spent defending the suit, the court said.

Kinseth's husband removed and installed asbestos-containing boilers, including some that were manufactured by Weil-McLain.

Judge Thomas Bower wrote the opinion, joined by Judges Michael Mullins and Christopher McDonald.

Simon Greenstone Panatier Barlett, PC in Dallas and Dutton, Braun, Staack & Hellman, PLC in Waterloo, Iowa represent Kinseth.

Kirkland & Ellis LLP in Chicago, Stuart Tinley Law Firm, LLP in Council Bluffs, Iowa and Segal McCambridge Singer & Mahoney, Ltd. in Chicago represent Weil-McLain.

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For More Information

Full text at
http://www.bloomberglaw.com/public/document/Kinseth_v_WeilMcLain_Co_No_150943_2017_BL_127656_I

EPA Chemical Data Release to Aid Toxics Law Compliance, Analyses

Snapshot

• EPA expects to release by end of May chemical production, other Chemical Reporting Rule data

• Proposed rule on fees chemical manufacturers, processors would pay anticipated by July

• Fall meetings on data to prioritize chemicals planned

By Pat Rizzuto

Information about chemicals made in and imported into the U.S. since 2012 should be publicly available at the end of May, an EPA spokesman told Bloomberg BNA April 20.

The agency plans to post online Chemical Data Reporting rule information that chemical manufacturers submitted in 2016, the Environmental Protection Agency spokesman said.

Knowing the identity, production volumes and uses of compounds reported under the Chemical

Data Reporting rule will serve many purposes, including helping the agency oversee chemical risks and aiding analysts tracking the sector.

Chemical manufacturers were required to provide the EPA annual production volume data for 2012-2015 if they made or imported at least 25,000 pounds of a chemical at any site they owned during any of those years. Processing and use information for chemicals made in or imported into the U.S. in 2015 also had to be reported.

A near-term use of the information will be helping manufacturers respond to a separate notification period that could begin by the end of December.

Inventory Notification

The deadline for manufacturers to let the EPA know what chemicals they've made over the last 10 years could begin in December if EPA issues the inventory update rule in June, Wendy Cleland-Hamnett, acting EPA assistant administrator for chemical safety and pollution prevention, said April 20.

She spoke at the Grocery Manufacturers Association's science forum about the status of the EPA's implementation of the 2016 Toxic Substances Control Act amendments.

Those amendments require the EPA to publish by June a final inventory update rule. That rule would lay out a process the EPA must use to divide its inventory of more than 80,000 chemicals made or used in the U.S. into a group of chemicals active in commerce and a group that is dormant.

Chemical manufacturers would have six months after the final update rule is published to notify the EPA about chemicals they've made over the last 10 years. Chemical processors would have up to a year. Processors were not required by the TSCA amendments nor EPA's proposed rule to submit notifications to the EPA.

The EPA's release of the chemical production volume information will make notifications easier because under the proposed inventory update rule, neither chemical manufacturers nor processors would need to notify the EPA about chemicals reported under the Chemical Data Reporting (CDR) rule in 2016. The proposed rule also said no notifications were needed for the 2012 CDR reports, which covered production volumes in 2011.

Pruitt Urging Staff to Meet Deadlines

That inventory update reporting period would begin in December if the EPA meets TSCA's requirement to issue its final rule by June, Cleland-Hamnett said.

“We have support for doing that,” Cleland-Hamnett said. EPA Administrator Scott Pruitt has urged staff to meet the law's deadlines for the inventory update and other rules and actions mandated by the 2016 TSCA amendments, she said.

The three procedural, or "framework," rules the law requires the EPA to issue by June are:

• the inventory update rule;

• a chemical prioritization rule describing how the EPA would sort through chemicals to distinguish ones raising possible concerns from ones that do not; and

• a risk evaluation rule to describe how the agency would assess the risks of high priority chemicals.

If the EPA's risk evaluations determine a chemical poses unreasonable human health or environmental risks, those chemicals will be regulated or otherwise addressed to prevent those risks.

The EPA must also publish by June the scope of risk evaluations it has underway for asbestos, pigment violet 29, seven solvents and a cluster of three related flame retardants, Cleland-Hamnett said.

By July, she said, the EPA intends to propose a fourth rule to set fees chemical manufacturers and processors would pay to help the agency recoup its costs for overseeing their products. The 2016 TSCA amendments mandated that rule too, but did not set a deadline by which the agency must issue it.

The agency plans to issue that rule by January 2018, she said.

Fall Meetings on Chemical Prioritization

The EPA plans to meet in fall with chemical manufacturers and processors, state officials, environmental health groups and other organizations interested in fleshing out how it will carry out the chemical prioritization procedures that final rule will establish, Cleland-Hamnett said.

The agency will be looking to all parties to identify sources of toxicity, chemical uses and exposures, and other data, she said.

Chemical processors, companies such as cleaning product, glue, paint and wax manufacturers, and "downstream users,"—companies that make cars or that coat materials such as prestained wooden or painted doors sold by retailers—will have an important role in helping the agency understand how chemicals are actually used, Cleland-Hamnett said.

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Environment Staff Shakeup for House Speaker, Natural Resources Committee

Snapshot

• Speaker Paul Ryan hired a senior House Natural Resources Committee to advise him on environment issues

• The committee shook up its subcommittees' leadership with three new staff directors

By Rachel Leven

House Speaker Paul Ryan (R-Wis.) has hired Kiel Weaver, a senior House Natural Resources Committee staffer, to work for him on energy and environment issues, his office announced April 20.

Weaver will join Ryan's office in May as assistant to the speaker for policy on energy and environment. Weaver previously served as staff director for the committee's Subcommittee on Water, Power and Oceans, and has served on Natural Resources since 2003.

Natural Resources Committee Chairman Rep. Rob Bishop (R-Utah) also announced April 1 three new staff directors for the committee's subcommittees starting May 1.

William Ball will be staff director for the Subcommittee on Water, Power and Oceans, taking over for Weaver; Andrew Vecera will be staff director for the Subcommittee on Energy and Mineral Resources, taking over for Bill Cooper; and Sang Yi has been appointed as staff director for the Subcommittee on Oversight and Investigations, in place of Rob Gordon.

Cooper and Gordon will be leaving the committee, according to a committee news release.

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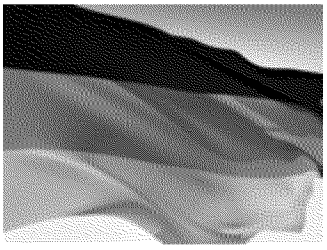
Germany Sues EU Over Chemical Labeling Standards for Construction Products



Snapshot

• Germany said EU standards do not assess chemicals that could harm workers

• European Union says Germany can address its concerns without changing EU law

By Jabeen Bhatti

Germany sued the European Commission April 19 for its failure to accept government objections to its chemical labeling standards for products used in construction.

Germany contends the current European labeling standards for construction materials used in indoor surfaces for multi-sport use, as well as those used for hardwood and parquet flooring (EU Regulation 305/2011), do not properly assess the presence of chemicals in these products, such as formaldehyde, that could leach into the air and cause harm to workers and consumers.

Germany filed suit in response to a Jan. 25 decision of the European Commission, which denied its request that the EU either amend the labeling standards or allow the German government to institute its own national regulations.

According to the commission, allowing a member state to implement its own standards would contradict the goal of harmonizing standards for construction materials across all 28 member states in order to streamline trade in the eurozone.

Quality Check

In its suit filed with the European General Court, Germany asked that the commission either annul the standards in question or open the door for member states to supplement the current European standards with national regulations. This would ensure the use of safe construction materials to protect workers, consumers and the environment, said Germany's Ministry of the Environment.

"A builder should be able to test whether certain materials leach harmful gas emissions into interior air," a ministry spokesman told Bloomberg BNA in an email. "We want to ensure this by way of implementing a national testing system or quality check, or by finding an adequate replacement in line with EU norms."

But the European Commission said Germany is not barred from using other methods to effectively do what it is seeking—but without changing the EU labeling laws.

"The EU does not prevent Germany to take actions on concentrations of dangerous substances in indoor air," a spokesperson for the European Commission told Bloomberg BNA. "Member states can set requirements for building design and safety."

The spokesperson added: "EU harmonization is limited to rules for the marketing of construction products by creating a common technical language."

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Topics:

- indoor air
- non-U.S. environmental regulation

GREENWIRE ARTICLES

Teleconference to open gates for feedback on rule cutting

U.S. EPA's Office of Air and Radiation will collect feedback at a teleconference Monday on regulations that could be repealed, replaced or changed "to make them less burdensome," according to a "dear stakeholder" invitation this morning.

An EPA spokeswoman couldn't immediately say this morning how the agency defines "stakeholder," but the notice, which was also posted on the agency's website, says the teleconference is being held "so that we can listen and learn from those directly impacted by our regulations."

CHEMICAL WATCH ARTICLES

NGOs call for stricter regulations on chlor-alkali industry

19 April 2017 / TSCA, United States

Three NGOs have called on the US EPA to support an "expansive scope" for the risk evaluation of asbestos under the revised TSCA, in an effort to force the chlor-alkali industry to no longer use a manufacturing process that requires the substance.

The Healthy Building Network, Environmental Health Strategy Center and Safer Chemicals, Healthy Families, quoting the US Geological Survey, said the US chlor-alkali industry consumed 88% of asbestos imports in 2014, a number that jumped to 100% in 2016.

Asbestos is among the first ten substances subject to risk evaluation under the revised TSCA.

However, a comment by the Vinyl Institute to the EPA said the use of asbestos in semi-permeable diaphragms for chlor-alkali production is a commercial application that is carefully controlled and regulated throughout its lifecycle and is not associated with consumer use or exposure.

"Based on existing regulations and practices for environmental emissions and employee occupational exposure, coupled with the chlor-alkali industry's continual record of successful compliance, this existing use does not present an unreasonable risk and further risk management action is unnecessary," the Vinyl Institute said.

Related Articles

- EPA names first ten chemicals for new TSCA evaluations

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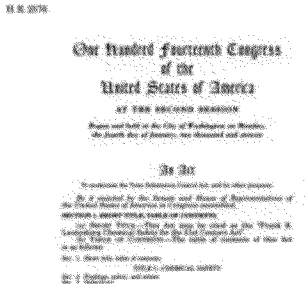
Industry criticises TSCA 'low-priority substance' designation

ACC calls agency approach 'short-sighted'

19 April 2017 / TSCA, United States



One Hundred Fourteenth Congress
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The process by which the EPA identifies 'low priority substances' under the new TSCA has been criticised as overly stringent by many in industry – but NGOs have lauded the agency's proposed approach.

The new TSCA requires the designation of chemicals as either substances of high priority for risk evaluation, or low priority where this is not warranted. The former are those that may present a health or environmental risk because of a potential hazard and route of exposure under the conditions of use, without consideration of costs or other non-risk factors.

In its prioritisation draft rule, the EPA has proposed to designate as high priority a chemical where available information suggests it may present a hazard and where there is exposure from at least one condition of use. The agency says this sets a "fairly low bar", and it "expects that a large number of chemical substances will meet this definition".

By contrast, a low priority substance would be one where the hazard and exposure potential for all of its conditions of use are "so low that EPA can confidently set that chemical substance aside, without doing further evaluation".

It says this definition is "fairly rigorous", and effectively requires it to determine that under no condition of use does the chemical meet the high priority standard. And, as a consequence, it "expects it will be more difficult to support such designations".

Industry objects to rigour of standard

But industry groups have baulked at the tough standard for designating low priority substances.

The American Petroleum Institute (API) said in comments that the statute does not support such an "imbalance" between high and low priority designations.

"The prioritisation process should enable EPA to actively move forward on low priority designations, which is necessary to narrow the universe of existing chemicals to appropriate candidates for consideration as high priority," it said.

Instead, it said the EPA should consider the following criteria for identifying low priority candidates:

- substances "comprehensively addressed" by existing regulations;
- low exposure and/or low hazard substances;
- substances deemed not to present unreasonable risk by other jurisdictions, including Canada and the EU;
- chemicals that have been through the new chemical review programme in recent years;
- polymers exempt from pre-manufacture notice (PMN) requirements; and
- substances exempt from the chemical data reporting (CDR) rule.

The National Association of Chemical Distributors (NACD) said the EPA should make either high or low priority designations based on one, some or all conditions of use – depending on the

substance in question.

"Not every chemical should be treated identically as each has different properties and different conditions of use," it said. The EPA should "modify its thinking" on this and not create a system where chemicals are "automatically designated high priority".

The American Chemistry Council (ACC) described the agency's proposed interpretation of the low priority designation as "short-sighted, contrary to congressional intent, and inconsistent with best available science".

Rather than basing such designations on all uses, said the group, the EPA should be able to set aside chemicals for which certain uses do not meet the 'may present unreasonable risk' standard.

This will "help EPA meet its deadlines for scoping risk evaluations, will conserve resources, and will enable the agency to focus its risk evaluation efforts on chemicals that meet the high priority criteria under certain conditions of use."

NGOs laud high bar

But the Environmental Defense Fund (EDF) said the law was "unambiguous in stating that chemical substances, not particular uses or conditions of use, are to be subject to prioritisation".

And a failure to consider all uses in determining a low priority designation, it added, would result in a "highly suspect" determination, "because of the distinct possibility that the designation might not have been warranted had all conditions of use been considered".

Safer Chemicals, Healthy Families, in comments endorsed by several NGOs, said demonstrating the absence of unreasonable risk for all uses is essential, given that low priority chemicals will not be subject to risk evaluation and "will be perceived as 'safe' by users and the general public".

"Such an aura of safety would be misleading and, indeed, irresponsible, where data to establish the absence of risk is non-existent or incomplete, or where some uses cannot, in fact, be shown to lack the potential for unreasonable risk," it said.

The SCHF urged the EPA to make low priority designations subject to peer review as an "essential safeguard against unwarranted 'false negatives'", the likes of which could result in 'serious consequences' for consumers and communities relying on the agency's judgement.

Kelly Franklin

Editor, North America

Related Articles

- EPA issues TSCA prioritisation, risk evaluation proposals

Further Information:

- Docket

Recalls of EU personal care, household products rise 60%

Bath gels, foams and soaps comprise largest number

19 April 2017 / Europe, Personal care, Substances of concern

The number of personal care and household product recalls in Europe increased by almost two thirds last year to 124.

The highest number were for bath gels, foams and soaps as detected through the EU's Rapid Alert System for dangerous products (Rapex).

Rapex covers dangerous non-food products and ensures that information about products withdrawn from the market or recalled from consumers is quickly circulated between member states and the European Commission.

Seventy-six products were recalled in 2015. During 2016, within the cosmetics, personal care and household products (CPCH) category, chemicals constituted the biggest element of risk with 99 recalls – or 80% of the total – analysis by inspection and testing company SGS found. Microbiological risk was the cause for 17 recalls.

CPCH product recalls accounted for 6.5% of all EU market recalls in 2016, rising from 4% the year before, SGS said. The greatest number were in the following groups:

- bath/body wash and skin cleansing (gel, foam, soap and lotion) with 18;
- incense sticks and other scents with 13;
- skin-lightening products, creams with 13;
- tattoo inks with 10;
- hair dye and colouring products with 9; and
- skin products (cream, care) with 8.

Products from the US generated the largest share of CPCH recalls on the European market at 22, closely followed by India and China, with 19 and 16 respectively.

Germany was the leading notifying country, with 20 notifications in CPCH products. Measures ordered by public authorities, such as a ban on sales or product withdrawal, accounted for 59% of actions, compared with voluntary actions adopted by producers or distributors at 41%.

The latest Rapex report, which was published in March, showed that hazardous chemicals in products present the second biggest risk to health and safety in the European market, comprising 23% of all notifications in 2016. Injury from use of a product topped the risk categories at 25%.

Related Articles

- Chemicals present second highest product risk in Europe

Further Information:

- SGS press release
- Rapex 2016 report

US states lend support to '2-for-1' regulatory order

19 April 2017 / United States

Fourteen states have filed an amicus brief in support of the Trump administration's executive order requiring the elimination of two regulations for each new one issued.

The brief backs the Trump administration's effort to dismiss a lawsuit from the Natural Resources Defense Council and Public Citizen and Communications Workers of America that questions the legality of the executive order.

The states, led by West Virginia and Wisconsin, argue that federal regulations typically fall upon them to enforce. But the executive order "will reduce the sprawl of unnecessary, costly regulations, consistent with congressional intent and important public policy considerations."

Alabama, Arizona, Arkansas, Georgia, Kansas, Louisiana, Michigan, Nevada, Oklahoma, South Carolina, Texas, Wisconsin and Wyoming also co-signed the brief.

Related Articles

- Trump issues executive order to slash regulations
- NGOs sue Trump administration over regulatory order

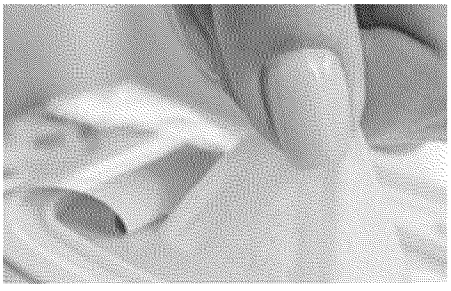
Further Information:

- Brief

US NGO campaigns against 'harmful' chemicals in feminine wipes

Call for brand to disclose trade-marked ingredient

19 April 2017 / Biocides, Confidentiality & right-to-know, Parabens, Personal care, United States



US NGO Women's Voices for the Earth (WVE) has launched a campaign against 'harmful chemicals' in feminine wipe products.

Naming such brands as Always, CVS, Playtex, Vagisil and Walgreens, WVE says many of these products contain biocides of potential concern, such as methylisothiazolinone (MI) and iodopropynyl butylcarbamate (IPBC).

And, as part of the campaign, it has written several letters calling on CB Fleet – brand owner of Summer's Eve wipes – to eliminate octoxynol-9 and other substances from its products. WVE also wants the company to disclose the ingredients of the trade-marked odour control ingredient, Neutresse.

The company says it maintains a "robust clinical safety testing programme" as part of its product development and follows applicable Food and Drug Administration (FDA) regulations for feminine products it sells.

Last year, a WVE campaign calling for feminine hygiene product manufacturers to voluntarily disclose their ingredients resulted in Procter and Gamble (P&G) and Kimberly Clark increasing their transparency efforts.

A bill requiring ingredient disclosure for feminine care products was introduced last year, but failed to gain traction in Congress.

For more detail on this story go to CW+BiocidesHub.

Tammy Lovell

Business Reporter

Related Articles

- Call for feminine hygiene companies to avoid 'harmful' biocidal actives

Further Information:

- WVE harmful chemicals list
- Bill

Echa updates substance assessments under PACT

Several suspected EDCs and CMRs undergoing RMOA

20 April 2017 / CMRs, EDCs, Europe, Sensitisers

Echa has included updates on 18 substances in its public activities coordination tool (PACT) for risk management option analysis (RMOA) or hazard assessment.

Seven substances have been added for which member states are now starting RMOA. The chemicals and suspected hazards or concerns are:

- alloys cobalt-tungsten carbide hard metals – suspected of being carcinogenic, mutagenic and reprotoxic (CMR), and suspected of specific target organ toxicity via repeat exposure (STOT RE);
- disodium octaborate (CMR);
- disodium peroxodisulphate – suspected of being a respiratory or skin sensitiser;
- persulfate ammonium (sensitiser);
- persulfate potassium (sensitiser);
- reaction product of 1,3,4-thiadiazolidine-2,5-dithione, formaldehyde and phenol, heptyl derivatives – suspected endocrine disrupting chemical (EDC); and
- UVCB-diamines (STOT RE).

Member states have already carried out hazard assessments and are now undertaking RMOA on the following three substances, which they say are EDCs according to the WHO/IPCS definition:

- ammonium perchlorate;
- bisphenol A; and
- sodium perchlorate.

Evaluation of a further seven suspected EDCs is under development:

- 2-ethylhexyl trans-4-methoxycinnamate;
- 3,5,5-trimethylcyclohex-2-enone (isophorone);
- climbazole;
- dichloromethane;
- dicyclohexyl phthalate;
- diethylmethylbenzenediamine; and
- isopentyl p-methoxycinnamate.

And one is a potential EDC but the member state has postponed further assessment:

- (±)-1,7,7-trimethyl-3-[(4-methylphenyl)methylene]bicyclo[2.2.1]heptan-2-one (4-methylbenzylidenecamphor).

The member states carrying out work on their respective substances are Austria, Denmark, France, Germany, Italy, the Netherlands, Sweden and the UK.

Further Information:

- PACT update

US EPA extends comment deadline for TSCA section 6 rules

20 April 2017 / TSCA, United States

The US EPA has extended by 30 days the comment periods for two proposed TSCA section 6 rules.

The deadline for responding to the agency's proposals to ban trichloroethylene (TCE) in vapour degreasing and to restrict or prohibit methylene chloride and N-methylpyrrolidone (NMP) in paint stripping is now 19 May.

The extensions come despite objections from NGOs that industry groups are employing delay tactics on the EPA's first attempts to ban substances under section 6 of TSCA in nearly three decades.

The extension for the TCE proposal is its second; the deadline had earlier been delayed 30 days to 19 April.

But the extra time falls short of the 120-day request that the Halogenated Solvents Industry Alliance had advocated for.

Related Articles

- US EPA moves to ban additional use of TCE
- US EPA proposes prohibitions on methylene chloride, NMP
- NGOs blast request to delay TSCA section 6 rules
- Tensions flare over TSCA section 6 proposals for TCE

Further Information:

- NMP / methylene chloride docket
- TCE docket (vapour degreasing)
- Federal Register

US EPA to convene TSCA regulatory reform meeting

20 April 2017 / TSCA, United States

The US EPA is convening two public meetings to solicit input on regulations promulgated under TSCA that could be repealed, replaced or modified.

The move comes in response to a February executive order directing agencies to take action on regulations deemed to be unnecessary, that inhibit job creation or impose costs that exceed benefits. It is one of several directives from the Trump administration to roll back federal regulations, specifically at the EPA.

The first of two 1 May meetings will cover regulations addressing chemical risk review and reduction programmes on both new and existing chemicals, polychlorinated biphenyls, asbestos, mercury and formaldehyde. More specifically, it will focus on:

- control of toxic substances (TSCA subchapter I);
- asbestos hazard emergency response (subchapter II);
- formaldehyde standards for composite wood products (subchapter VI); and
- the Toxics Release Inventory (Epcra subchapter II).

The second meeting will address lead exposure reduction regulations, as promulgated under TSCA section IV.

The agency is also continuing to accept comments submitted to the public docket on regulations

that merit closer examination.

Registration is required to attend in person or remotely.

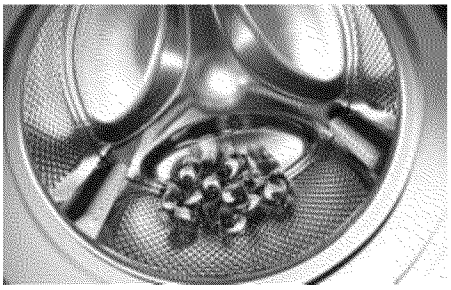
Related Articles

- Trump issues regulatory reform executive order
- US EPA taking comments on regulations to reform

Aise proposes measures to reduce detergents poisoning in children

Room for improvement beyond CLP requirements, trade body says

20 April 2017 / Accidents, emergency response & poison centres, Classification, labelling and packaging Regulation, Europe



Soap and detergents trade body Aise says some of its members intend to undertake voluntary measures to help reduce child exposure to liquid laundry detergent capsules (LLDCs).

The move follows publication of a draft final report of the European Commission's 'LiquiCaps' study, which highlighted an increase in the numbers of accidental exposure or poisoning in children under five-years-old, when compared with traditional detergents.

Aise says the LiquiCaps data show that there is still "room for improvement" in child prevention properties of LLDC packaging, which would go beyond the currently applicable CLP requirements.

The LiquiCaps report and Aise's proposal were discussed at the meeting of the competent authorities for REACH and CLP (Caracal) on 22-23 March.

Aise says some of its member companies intend to improve the safety of LLDCs further, through new voluntary commitments. These are:

- superior child-impeding closures: further improve child impeding properties of packaging by passing a new industry standardised test;

- advertising code of conduct: avoid advertising of liquid laundry detergent capsules in media channels (television and other) that are dedicated to babies and young children; and
- consumer education: improve and re-launch the educational campaign 'Keep caps from kids' in a way that is more engaging for parents and caregivers.

The participating companies will start on the education and advertising measures by the summer, and will implement superior child-impeding closures within 18-24 months. Aise is currently finalising the formal documents.

The trade body says companies will continue to honour their existing voluntary consumer safety education commitment of a yellow patch on product labels and safety statements on all advertising.

In addition, companies will carry on working with national poison centres to collect information on accidental exposures to LLDCs and publish a regular update on the statistics on Aise's website.

LiquiCaps study

The LiquiCaps study, which ran from August 2015 to May 2016, recorded 754 cases of exposure to LLDCs. Children aged below five accounted for 87% of these. Among them:

- 39% suffered from 'low severity' effects; and
- 10% suffered from 'moderate' effects, such as long-lasting vomiting.

Among children under five – and taking into account clinical effects associated with laundry detergents – the risk (odds) for experiencing moderate/high severity poisoning was six times higher for cases exposed to LLDCs than for those exposed to traditional laundry detergents, the study says.

There was no significant change in poisoning frequency or severity during the study period.

Following consultation with industry, the study concluded more research is required to assess the potential impact of measures to reduce visual attractiveness of LLDCs to children, and how to restrict access to the outer packaging.

Aise says the Commission study collected data from a short period and that longer-term data series, available from poison control centres over multiple years, show a substantial and "still ongoing" decrease of the incident frequency of LLDCs relative to their market presence.

CLP improvements

In a different paper presented at the Caracal meeting, Aise urged the Commission, Echa and member states to find ways for a harmonised and pragmatic application of CLP principles. This could be done by supporting industry efforts to classify and label hazardous products via a voluntary industry network, such as DetNet.

Member states have recently criticised poor labelling and information on detergents, and trade bodies have called for improvements to the "inefficient" CLP Regulation.

Luke Buxton

Europe desk editor

Related Articles

- New EU packaging rules for detergent capsules
- EU chemicals regulations 'failing' consumers, member states say
- Improve 'inefficient' CLP processes, trade bodies say

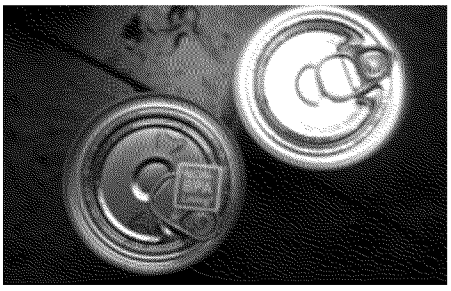
Further Information:

- Aise comments on LiquiCaps study
- LiquiCaps report
- Aise paper on CLP harmonisation

Parabens may affect BPA metabolism, say Canadian researchers

Possible action on metabolic enzymes

20 April 2017 / Bisphenols, Food & drink, Global, Mixture effects, Parabens, Personal care, Risk assessment



Exposure to parabens, used as antimicrobial preservatives, may affect the way in which the body metabolises bisphenol A (BPA), according to Canadian research on rodents.

A team from McMaster University, Ontario, Canada, exposed mice to butylparaben (BP) and propylparaben (PP) by injecting the chemicals under the skin to simulate absorption from personal care products. They then gave the mice a dietary supplement, containing BPA labelled with radioactive carbon-14.

People are routinely exposed to parabens, as well as BPA. For example, the US National Health and Nutrition Survey (Nhanes) found BP in the urine of almost half of the population and PP in over 92%.

The researchers, led by Denys deCatanzaro, found that pre-treating with BP caused both male and female mice to have higher BPA levels in blood and reproductive tissue. Meanwhile, exposure to PP "significantly elevated" BPA concentrations in the uterus.

They suggest that the parabens may affect how BPA is metabolised. There are "numerous" potential mechanisms for this involving action at oestrogen receptors, transport proteins in blood and enzymes, they say.

In particular, there is some evidence that parabens can inhibit enzymes involved in metabolising oestrogens. Actions of BP and PP on metabolic enzymes could explain the higher blood and tissue levels of BPA, following exposure to the two substances, suggest the researchers.

The doses of BP and PP are greater than typical exposure levels in the general public. However, exposure estimates rarely account for other sources, including foods, beverages and pharmaceuticals, they add.

The message from the team is that there is a "need to consider studies of multiple toxicants when determining regulatory exposure limits for endocrine-active chemicals".

In the EU, propylparaben and butylparaben are banned from some leave-on products and restricted in all cosmetics.

The study is published in *Toxicology and Applied Pharmacology*.

Related Articles

- The big preservatives 'crisis'

Further Information:

- Journal abstract

Senior ACC staffer appointed to EPA leadership role

EDF questions objectivity of the agency's choice

20 April 2017 / TSCA, United States

The American Chemistry Council's Nancy Beck has been named deputy assistant administrator of the US EPA's Office of Chemical Safety and Pollution Prevention (OCSPP).

In her role as senior director of regulatory science policy at the ACC, Dr Beck has been a vocal critic of the agency's Integrated Risk Information System (IRIS) programme.

President Trump's 'budget blueprint' has called for elimination of the IRIS programme.

In recent testimony to Congress on behalf of the ACC, she said that EPA's proposed 'framework rules' under the new TSCA suggest the agency believes that relying on existing guidelines and practices are sufficient for meeting the law's science requirements under section 26, but these must be updated to comport with the new law.

Dr Beck has been with the ACC since 2012. Prior to that, she was a toxicologist at the US Office of Management and Budget (OMB).

But despite her past role with a government agency, the Environmental Defense Fund's lead senior scientist, Richard Denison, said that "any reasonable person would see a conflict here, one sufficient to seriously question whose interests Dr Beck will be representing in playing such a role in TSCA implementation.

"Placing a key chemical industry player in a position where she will now have direct and major influence over the direction that reform will take raises serious new doubts about the industry's claims that it supports providing EPA with stronger, independent authority and resources to vigorously establish the safety of chemicals in and entering commerce," he added.

The ACC declined to comment on their former employee's new position.

OCSPP oversees the protection of human health and the environment from pesticides and toxic substances. It sits above the following divisions:

- Office of Pollution Prevention and Toxics (OPPT);
- Office of Pesticide Programs (OPP); and the
- Office of Science Coordination and Policy (OCSP).

The Trump administration has not yet publicly nominated a new assistant administrator for OCSPP. Wendy Cleland-Hamnett is serving as acting assistant administrator, after Jim Jones vacated the position earlier this year.

Kelly Franklin

Editor, North America

Related Articles

- ACC calls for more improvements to IRIS
- Agencies to begin implementing Trump 'budget blueprint'
- ACC seeks improvements in EPA use of science in regulations

Further Information:

- EDF blog
- OCSPP organisation

Reckitt Benckiser commits to full ingredients transparency by 2020

But NGO says sustainability report lacks detail

20 April 2017 / Cleaning products, Global, Labelling, Microplastics, Personal care

Reckitt Benckiser (RB) has committed to providing full transparency of ingredients in its consumer products by 2020 and has said it will phase out use of microbeads by 2018.

The UK-based company's 2016 sustainability report outlines the plans for its portfolio of personal care and household products, which includes the brands Cillit Bang, Clearasil, Dettol, Harpic, Vanish and Veet. The commitments come soon after it was revealed that RB's humidifier steriliser products, sold in South Korea, were linked to lung disease cases and deaths in the country.

In comments to Chemical Watch, RB says it ceased manufacture of products containing microbeads at the end of 2016 and is currently in a transition period, with a target of completing a global phase-out by the end of this year.

It will replace microbeads with the nanomaterial silicon dioxide, which it says has been assessed against the company's safety, environmental and quality standards.

Ingredient transparency

RB says it is "supportive of a solution that provides consumers with access to ingredients (including fragrances) in products they purchase, while also protecting information classed as confidential".

During this year, RB says it will continue to investigate how it can increase ingredient transparency coverage geographically and for key ingredient classes.

It is participating in a working group with the State of California, NGOs and fragrance suppliers on ingredient transparency which will include "an element of fragrance disclosure".

RB follows in the steps of companies Unilever and SC Johnson, who have both launched initiatives to disclose some fragrant ingredients in products.

In addition, the sustainability report says that the company initiated a full strategic review of its restricted substances list (RSL) in 2016, including ingredient restrictions, methodology and governance.

Commenting to Chemical Watch, it says that as a result of the review it has implemented a dedicated safety, quality and compliance team and a new RSL governance model.

'Lacking detail'

However, NGO ChemSec has criticised the report for not containing enough detail about how the aims will be achieved. Senior business and investors adviser Sonja Haider says it is "not very precise" and there are not many "real targets with time limits to them".

She also says the company's microbeads strategy is lagging behind other companies, such as Unilever, which phased out microbeads from its products in 2015.

Ms Haider says it is not clear whether the company's commitment to 100% ingredient transparency includes fragrance disclosure.

Tammy Lovell

Business Reporter

Related Articles

- Reckitt Benckiser apologises for product linked to Korea deaths
- BASF forum calls for release of cosmetics nano inventory
- Unilever US to disclose fragrance ingredients to consumers

- SC Johnson discloses all fragrance ingredients in new product line

Further Information:

- RB sustainability report

Echa round-up

20 April 2017 / Accidents, emergency response & poison centres, Alternatives assessment & substitution, Europe, REACH

Intention to restrict D4 and D5

Echa has submitted an intention to restrict octamethylcyclotetrasiloxane (D4) and decamethylcyclopentasiloxane (D5) in personal care products and other consumer/professional products (for example, dry cleaning, waxes and polishes, washing and cleaning products) in concentrations > 0.1%.

Updates to poison centres website

The agency has advised some changes to its poison centres website. These are:

- under 'Tools', more information on the draft EU product categorisation system that will be used to assign product categories, according to intended use of the mixture;
- a new page related to the establishment of a centralised submission and dispatch system, called the poison centres notification portal; and
- under the 'Support' tab, new questions and answers as well as information about guidance are published.

Dancet to speak at Envi committee

Echa's executive director Geert Dancet is to speak at a Committee on the Environment, Public Health and Food Safety (Envi) public hearing on 25 April.

The aim of the hearing is to highlight the EU's contribution to high environmental and living standards in the region. Mr Dancet will discuss how Echa's work benefits the environment and citizens' health.

The hearing will be webstreamed.

Help with downstream user content

Echa is seeking help to develop its downstream user pages, and to tailor them to specific needs of different actors in the supply chain. It is asking: what information do you need more of in your

supply chain work? Feedback to be sent by email to: downstream_users@echa.europa.eu.

Thanks for feedback

The agency has thanked users for feedback received on its new products. There were almost 1,700 responses, it says.

The comments will be analysed in order to help make improvements. A summary of results will be published on the website in the near future.

Further Information:

- Restriction intention
- Updates to poison centres website
- Dancet speech at Envi committee

Echa launches study on EU chemicals legislation 'finder'

Agency sets transparency goals for 2017-2018

20 April 2017 / Data, Europe, Nanomaterials, Substance notification & inventories, SVHCs

Echa has started work on a feasibility study to decide if it should introduce an 'EU chemicals legislation finder' database, which will provide an overview of how a substance is regulated in the EU.

The finder is part of the agency's continued enhancements to its dissemination portal, which Echa uses to integrate information on substances from different legislation and regulatory processes.

The study will be concluded by November. If it decides to go ahead, Echa could start developing the finder next year, with implementation slated for the first quarter of 2019.

The agency first announced its intention to carry out the study in March last year, following proposals from Cefic and the German chemicals industry (VCI) to develop a central European substance regulation 'navigator'.

In a position paper from 2014, Cefic said Echa's current substance database is not sufficient, because it does not "cover the entire regulatory frame-work on chemicals in the EU/member states nor the results from European research programmes".

Transparency goals

The finder could play a part in Echa's goals for 2017-2018 to ensure the openness and transparency of its activities. They were discussed at Echa's management board meeting on 30-31 March and are set out below.

The agency is working on changes to the dissemination portal to make it easier to search for nanomaterials, and improvements will be made to how classification and labelling are displayed in the brief profiles.

It will also improve the collection and dissemination of information from the notifications of SVHCs in articles on the EU market. It is developing an online submissions tool through REACH-IT, which will replace the current web form and should be launched by the end of the year.

The tool will allow Echa to collect notifications "in such a way that their dissemination should be easier and more user friendly", the agency told Chemical Watch.

It recently published information on approximately 15,000 substances registered under REACH, the majority of which has been made downloadable. Echa will now carry out a data value discovery study, which aims at analysing how to extend data access and to explore use cases for exploiting the information.

The agency will explore further re-use of the data for regulatory purposes by the Commission, member states and other EU agencies. Specific data exchange frameworks with sister-agencies, such as with the European Food Safety Authority (Efsa) and the European Medicines Agency (EMA), will examine how to:

- enhance further collaboration on data harmonisation;
- make more scientific data publicly available; and
- use the same formats and datasets for different regulatory purposes.

Echa will continue to develop the public activities coordination tool (PACT) to integrate further processes, such as the Community Rolling Action Plan (Corap). Planned inclusion of information on ongoing dossier evaluations, in the dissemination portal, will make it possible to follow the evaluation of individual substances closely.

The agency will also prioritise publication of the work of its committees, Forum and expert groups. Since the end of 2016, summary reports for persistent, bioaccumluative and toxic (PBT) and endocrine disrupting chemical (EDC) expert groups have been uploaded to its website. The same will happen for the nanomaterials expert group in a few weeks' time, it said.

In addition, Echa is investigating what can be done to promote participation in public consultations to registrants, industry associations or companies producing alternatives.

Luke Buxton

Europe desk editor

Related Articles

- Echa working on feasibility of EU substance regulation database
- Cefic, VCI propose EU substance regulation database
- Echa publishes REACH data on 15,000 chemicals
- MEPs explore data harmonisation between Echa, Efsa and EMA

Further Information:

- Echa transparency approach

US FDA accepting comments on lead acetate petition

20 April 2017 / Metals, Personal care, United States

The US Food and Drug Administration (FDA) is accepting comments until 5 June on an NGO petition to prohibit the use of lead acetate as a hair dye.

Filed by a dozen non-profit groups, the 24 February colour additive petition calls on the FDA to revoke its 1980 approval of the substance, contending that its use results in "dangerous lead exposure".

It cites conclusions from the National Toxicology Program (NTP), the Centers for Disease Control and Prevention (CDC) and the EPA in support of its contention that lead acetate is:

- readily absorbed through skin;
- transported to various organs, including the brain, once absorbed;
- reasonably anticipated to be a carcinogen; and
- linked to other adverse health effects, including neurotoxicity.

Petitioners say there is no safe exposure level to lead.

The FDA is soliciting comments and additional scientific information related to the petition. If it determines that data justify repealing the substance's approval, it will publish its decision in the *Federal Register*.

Related Articles

- US FDA petitioned to prohibit lead acetate in hair dye

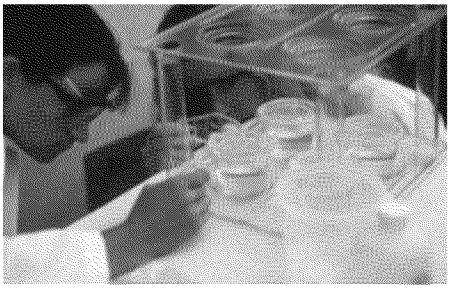
Further Information:

- Federal Register

Formulators 'well positioned' to influence development of safer chemicals

They are requesting more toxicological information, says former Staples scientist

20 April 2017 / Chemical manufacturing, Green chemistry, United States



Formulators are well positioned to encourage the development of safer substances and their use in products, say experts lined up to speak at a green chemistry meeting next week.

Held in Michigan, the annual Green Chemistry Council (GC3) roundtable will discuss new business strategies, emerging policy issues, and the challenges and solutions to mainstreaming green chemistry.

One of the sessions will focus on how formulators can encourage the use of safer chemicals.

Panellist Dr Robert Israel, vice president of stewardship and sustainability for paints and coatings maker Valspar Corporation, told Chemical Watch that formulators are setting the bar higher for chemical suppliers because it is "no longer about meeting regulation, it's now about the demands of customers which often go beyond regulation.

"For example we've seen Target, Walmart, CVS Health and many other retailers define specifications either for transparency, the exclusion or minimisation of certain chemicals or they are asking for green certifications such as GreenScreen or the Nordic Swan. If we want to sell our products, we have to meet their demands."

Raising the bar

Roger McFadden, former senior scientist at retailer Staples and panel moderator, said formulators are responding to these demands for safer chemicals, ingredients and materials and want to learn more about "new, emerging safer chemical ingredients being offered by chemical manufacturers".

Instead of just receiving a material safety data sheet or Cas number, said Mr McFadden, who now runs his own consultancy, they are asking their suppliers for more detailed toxicological information about chemical ingredients.

"Formulators know there can be other chemicals used in chemical manufacturing processes that can make their way into the final compound. They want chemical makers to disclose these chemicals to them so they can make informed decisions about the ingredients they select for use," he said.

The increasing use by formulators of safer alternatives assessment, including hazard assessment tools such as Clean Production Action's GreenScreen, is also, he said, driving the use of safer chemicals in products. "Formulators are often scientists or chemists, but they are not typically toxicologists. Therefore, they value credible, science and hazard-based tools to help them compare and contrast chemicals they are considering for use."

While the use of a hazard assessment tool, like GreenScreen, improves decision making, there is still a need for risk and lifecycle assessment, said Mr McFadden.

A growing number of formulators, he said, are trying to eliminate substances of very high concern.

Joel Tickner, associate professor at the University of Massachusetts and GC3 director, added that formulators have traditionally been hidden in the supply chain, "yet can be important champions for green chemistry".

In this month's Global Business Briefing, Joel Tickner, associate professor at the University of Massachusetts and GC3 director, writes about the changing regulatory landscape in the US and what it means for green chemistry.

Leigh Stringer

Global Business Editor

BfR and RIVM workshop explores alternatives to animal testing

20 April 2017 / Alternatives assessment & substitution, Europe, Test methods

A workshop held by Germany's Federal Institute for Risk Assessment (BfR) and the Dutch National Institute for Public Health and the Environment (RIVM) has explored strategies for

alternatives to animal testing.

Participants, including international experts from governments, regulatory authorities, universities and industry, discussed ideas for more effective validation processes and regulatory acceptance.

Up until now, the workshop found, the reliability and significance of individual toxicological test methods have been evaluated via the course of validation.

Because a single alternative test method cannot usually substitute an *in vivo* test method, delegates said, more mathematical and *in vitro* tools are combined in integrated test strategies.

"There is currently no way of validating these ... to ensure that they comply with regulatory requirements," BfR said in a press release.

The results of the workshop, held at the end of March in Berlin, are to be published soon.

In January, the Dutch government said it aims to phase out animal testing for research on the safety of chemicals by 2025.

Related Articles

- Dutch government plans to stop animal testing by 2025

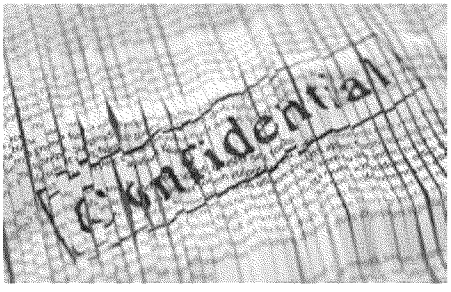
Further Information:

- Press release

South Korean Assembly members propose bill to limit CBI exemptions

Proposals seek 'right to know' for chemicals information

20 April 2017 / Confidentiality & right-to-know, South Korea



Twelve members of South Korea's National Assembly, belonging to the liberal Minjoo party,

have backed a bill designed to prevent the "over use" of the confidential business information (CBI) designation by chemical companies.

Concern about dangerous chemicals and their effect on public health has increased since the air humidifier scandal first broke in 2011. Biocides used in air humidifiers had been linked to a large number of deaths.

CBI designation for a substance limits the information that must be provided to workers and the public. The bill includes provisions that would introduce a strong presumption in favour of making information public and for CBI approvals to be managed by a newly appointed official body, attached to the Ministry of Environment.

As such, it aims to create a public 'right to know' which would apply to approvals procedures and the provision of safety information for dangerous chemical substances. This would mean information which is currently not disclosed because it is considered to be CBI might have to be made public.

Currently, companies producing or handling chemicals must provide information when they transport them, provide safety information for household chemical products, or prepare risk management plans or safety data sheets.

But companies often obtain MoE approval for classifying as CBI information a chemical's composition or structure, its identification, name and Cas number.

Under the bill, adjudication on CBI would pass to the newly created official screening committee, which would consider whether a chemical substance's identification information should be published and what information should be provided to workers.

The law would enable workers, consumers and local residents who are exposed, or potentially exposed, to chemical substances to demand that the business owner (manufacturer or importer) provide environmental and health information, such as environmental assessment or chemical exposure data and information on the manufacturing processes or technology.

Penalties

The bill includes penalties of up to KRW 50m ($44,000) or a prison sentence of up to five years for:

- obtaining CBI approval falsely or illegally;
- not making the information public if no approval is obtained; or
- not complying with an order from the committee to make information about a substance public.

The bill would be implemented, six months after being passed by the National Assembly.

Sunny Lee

Asia editor

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Further Information:

- Proposed bill (in Korean)

Taiwan's EPA consults on major changes to TCSCA

Revised hazard categories; support for whistleblowers; and regulation fund proposed

20 April 2017 / Accidents, emergency response & poison centres, Classification, Enforcement, Legal cases, Taiwan, TCSCA

A wide-ranging package of revisions to the Toxic Chemical and Substances Control Act (TCSCA) was issued for consultation by Taiwan's Environmental Protection Administration (EPA) on 17 April.

A key change is the proposed establishment of a national 'chemical regulation advisory reporting system' which would coordinate the roles of various central and local government agencies.

Another important provision would remove the 'Class four' of toxic chemical substances which pose a health or environmental risk.

A category of 'chemical substances for investigation' would be introduced for those which may unintentionally generate hazardous chemicals but which are not themselves toxic. There would be two subcategories: one for substances which may affect the environment and a second for those which may affect health.

The legislation also includes provisions for creating a 'chemical substances regulation fund' to boost funding for expanded regulation. Set out in in the newly added Articles 46- 48, this

would be established to "expand funding sources for the expansion of regulation of chemical substances, based on the user pays principle".

Funding sources would include fees for chemical substance use, consulting regarding incidents, substance registration and reporting.

The draft revisions would also bolster the emergency response capabilities and powers of central and local government agencies to respond to toxic chemical incidents. Draft changes to Article 25 would require the companies or persons responsible for the incident to bear the burden of the cost of necessary response measures.

The changes would also establish whistleblower mechanisms, including protection for witnesses and informants and the creation of channels for citizen litigation.

A new Article 52 would ban companies from firing, demoting or taking other punitive action against employees who expose TCSCA violations and would render all such actions invalid. Under a new draft Article 68, public interest organisations or citizens that provided information to regulatory agencies regarding regulatory shortcomings in writing would receive an official written response within 60 days.

Public interest groups or citizens will also be able to directly file complaints with the Executive Yuan (Taiwan's Cabinet) in cases of derelictions by regulatory agencies in the performance of their duties. It would be empowered to cover the costs of necessary legal and investigative services in such litigation.

The EPA's Toxic Substances and Chemicals Bureau will accept comments from companies, organisations and citizens from 17 April until 16 June, after which public hearings will be held.

Once the EPA finalises the draft, it will be sent to the Executive Yuan for possible approval and submission to the Legislative Yuan, Taiwan's parliament, for legislative review.

If approved by the Legislative Yuan, the changes will mark the seventh revision of the Act, enacted in November 1986.

The most recent revisions in December 2013 adopted some of the principles of the EU REACH Regulation.

Submissions should be made to the Toxic Substances and Chemical Bureau by telephone [(886) 02-23257399 ext. 55502], fax [(886) 02-23253865] or email [chlinwu@epa.gov.tw].

Dennis Engbarth (Taipei City)

Related Articles

- EPA consults on registration and permit fees

Further Information:

- EPA announcement

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